

Filed 11 day of Dec  
in WB, At 2:48 P.M.  
JODI MORGAN  
County Clerk, Milam County, Texas  
By H. Morgan  
Deputy

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**THE STATE OF TEXAS                   §**  
**§**                   **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF MILAM                   §**

**WHEREAS**, by Deed of Trust, Security Agreement and Financing Statement dated April 11, 2018 (the "Deed of Trust") **Port Sullivan Ranch, LLC**, conveyed to **David Zalman**, as Trustee the herein below described property situated in Milam County, Texas, to secure the payment of that certain Promissory Note and all other Indebtedness therein described (collectively the "Note"), which Deed of Trust is recorded under Milam County Clerk's Volume 1335, Page 151 in the Official Public Records of Real Property of Milam County, Texas, to which reference is hereby made for all purposes; and

**WHEREAS**, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

**WHEREAS**, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David Smith, Pete Florez, Zachary Florez, Orlando Rosas or Bobby Brown** any of whom may act independently as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

**NOW, THEREFORE**, pursuant to the authority conferred upon me by the Deed of Trust, **I, L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and addresses are set out below, will sell the Property at public auction to the highest bidder, for cash,

on **Tuesday, January 2, 2024**. The earliest time at which the sale will occur shall be at **10:00 o'clock A.M.** and it may take place not later than three hours after said time, and all public sales are held at the East door of the Milam County Courthouse or as designated by the County Commissioner's Office . This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto and all equipment and articles of personal property attached to or used in or on the buildings and improvements:

**All that certain tract or parcel of land situated in Milam County, Texas, and being part of the D. B. Friar Survey, Abstract No. 21 and being part of 1454.67 acres (including 1111.43 acre tract) as conveyed from the Estate of John A. Smith II to John A. Smith III by Will dated August 13, 2002 and being recorded in Volume 166, Page 732, of the Probate Records of Milam County, said tract being more particularly described by metes and bounds in the Deed of Trust Security Agreement and Financing Statement (the "Deed of Trust") to David Zalman Trustee recorded in \_\_\_\_\_, Official Public Records, Milam County, Texas.**

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

#### **SUBSTITUTE TRUSTEES**


**NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:**

**L. David Smith, Pete Florez, Zachary Florez, Orlando Rosas or Bobby Brown**

c/o L. David. Smith  
2618 Kittansett Circle  
Katy Texas 77450  
Telephone: (281)788-3666  
Email: ldslaw7@gmail.com

**ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.**

Dated this 8<sup>th</sup> day of December, 2023.

 Substitute Trustee

L. David. Smith, Substitute Trustee  
2618 Kittansett Circle  
Katy Texas 77450  
Telephone:(281) 788-3666  
Email:ldslaw7@gmail.com